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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,494	03/01/2004	Bennett Clayton Ward	61633.001092	9481

27682 7590 08/14/2006

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EXAMINER

FORTUNA, ANA M

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,494

Applicant(s)

WARD ET AL.

Examiner

Ana M. Fortuna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-21 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/04, 9/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al (US 6,686,303)(hereinafter '303). Patent '303 teaches a non-woven web or matrix including bi-component fibers, with core and sheath made from incompatible polymers, and are continuous along the length of the fibers; the fibers are spaced apart and formed into layers (bundled) (abstract). The web is bonded in a particular pattern (column 1, lines 17-32, column 2, lines 30-44, and 60-68; column 3, last paragraph bridging to column 4, and column 5, lines 43-column 6 first paragraph). The process of making is further disclosed (column 9, lines 44-61).

The fibers are crimped (see column 12, lines 47-68). The layer formation e.g. bundle configuration and formation of one more layers is also disclosed (see column 6, lines 1-6).

Patent '303 fails to refer to the web as a "wick", the use of the web is also not disclosed, however, the structure and composition is disclosed as discussed above, additional properties can be achieved by proper selection of the fibers material, diameter, and percentage of the particular components.

The polyamide materials are disclosed in '303 (see column 6, lines 24-60, and column 7, last paragraph); the percentage of polymer is further disclosed, e.g. 10-90 % (0.10-0.90) (see column 7, first paragraph). A range of fibers diameter is suggested in the reference (column 7, first paragraph).

One skilled in this art at the time this invention was made can select a range of materials, distance between fibers, fiber diameter, and bonding pattern to achieve a particular web passage suitable for a predetermined function, from the web materials

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and polyamide percentage suggested in '303, which are substantially the same polyamide materials.

The percentages or amount of polyamide polymer of claims 8-9 are within the amount suggested in patent '303.

As to claim 10, the analyte refers to an intended use and is not part of the web structure. The fibers in '303 are disclosed as suitable for liquid passage or distribution and are hydrophilic (see column 6, lines 25-30, and column 7, lines 16-20), which facilitate the treatment or passage of urine.

Allowable Subject Matter

2. Claims 17-21 are allowed over the prior art of record.
3. The following is a statement of reasons for the indication of allowable subject matter: the wick or fibrous structure in combination with the components weight as claimed in claim 17 is not suggested in the prior art of record.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Additional patents represent the state of the art in web containing bicomponent fibers containing polyamide.

3.

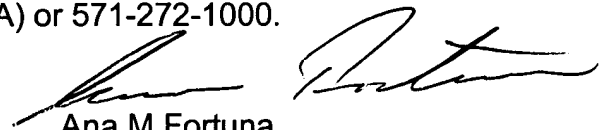
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana M. Fortuna whose telephone number is (571) 272-1141. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ana M Fortuna
Primary Examiner
Art Unit 1723

AF
August 07, 2006